THE HONOURABLE SRI JUSTICE S.ANANDA REDDY

WRIT PETITION NO. 16645 OF 2007

DATED: 07-09-2007

BETWEEN:
Abdul Hafeez S/o. Md. Yakoob

…Petitioner

and

The Land Acquisition Officer,
(Joint Collector) Mahabubnagar
Mahabubnagar District and two others

…Respondents

THE HONOURABLE SRI JUSTICE S.ANANDA REDDY

WRIT PETITION NO. 16645 OF 2007

ORDER:

This writ petition is filed by the petitioner aggrieved by the action of the first respondent in not referring the dispute as to the apportionment of the compensation between the petitioner and respondents 2 and 3.

2. It is stated that the father of the petitioner and respondents 2 and 3 purchased plot No.1 in S.No.9 of Bhoothpur village. It is further stated that as the father of the petitioner and respondents 2 and 3 died on 30-12-2002 leaving behind his wife and five sons and five daughters as his legal representatives, petitioner and respondents 2 and 3 are enjoying the property after the demise of their father. While so, the property was acquired by the National High Way Authority, for the purpose of road widening. Since all the legal heirs are entitled to get compensation including the petitioner, the petitioner made an application before the first respondent seeking reference of the matter to the civil Court as is contemplated under Sec.3(H)(4) of the National High Ways Act, 1956. It is stated that the Joint Collector(1st

respondent) is the competent authority under the above provision. But, however, the first respondent did not take any action so far, even though the said representation was made on 26-07-2007. Therefore, the petitioner has come up with the present writ petition.

3. Heard the learned counsel for the petitioner as well as the learned Government Pleader.

4. In this view of the matter, the writ petition is disposed of at the stage of admission directing the first respondent, who is the competent authority to act in accordance with the provisions of Sec.3(H)(4) of the National High Ways Act, 1956 as the said provision obligates that the competent authority shall refer the dispute to the decision of the principal civil Court of original jurisdiction within the limits of whose jurisdiction the land is situated.

5. Therefore, the first respondent is directed to comply the said provision and pass appropriate orders within a period of three (3) weeks from the date of receipt of a copy of this order.

6. Writ petition is accordingly disposed of. No costs.

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S. ANANDA REDDY, J.

Dated: 07-09-2007
Rns